District Clerk

D-1-DC-92-923855

RF042528690

District Clerk Box # 699

0923855 BERRY,SCOTT
CRT 167 OFF DATE=07/05/92 INDICT DATE=07/30/92
DA# 0922440 PID# 0241530 MU# 0921552
OFFENSE=BURGLARY-BUILDING

Bup
526

ORDER OF COMMITMENT

TO THE SHERIFF OF TRAVIS COUNTY, GREETINGS:

SCOTT BERRY (Name of Defendant) who having been brought before me this

JULY 13, 1992 (Today's Date) day at 8 P .M.

charged with the offense BURGLARY OF A BUILDING/SECOND DEGREE FELONY

Is COMMITTED to the CUSTODY of the SHERIFF of Travis County, Texas, to be detained unless he/she complies with the conditions of bond set on this date or any amendment or modification thereof.

1. Defendant is ordered to appear in the ___ Justice Court Number ___
   ___ County Court at Law Number One, First Appearance Ofc, Rm 205
   XX 147 th District Court
   ___ Austin Municipal Court
   on INSTANTER (Appearance Date) at ___ .M.
2. If defendant is in custody on the above date, the SHERIFF is hereby ordered to present said defendant in the above Court on said appearance date and at all times said charge(s) or accusation(s) are called before said Court.
3. Bail is hereby set as follows: $20,000.00 R
4. Bond is acceptable if in compliance with Articles 17.03, 17.031, 17.04, and/or 17.08 of the Texas Code of Criminal Procedure.

The undersigned hereby certifies that the defendant has been warned of his/her rights under Art. 15.17 of the Texas Code of Criminal Procedure.

HEREINFAIL NOT of this ORDER but make due return showing how you have executed same.

ATTORNEY:

RETAINED ___ APPOINTED ___

Judge of the MUNICIPAL COURT
of Travis County, Texas
(Acting as Magistrate)

White Sheriff | Green Defendant | Yellow Dist Clk/Crt Coord | Pink Dist/Co Atty | Gold Iss Court

Cause No. 92MC1552 Bond ___

OFFENSE 92-1870938 K. BURT

DA

Control No. 92-2440

* *

THE STATE OF TEXAS

VS.

Name SCOTT BERRY

Address 2000 CEDAR BEND BUILDING 13, APT 21

City AUSTIN State TX Zip ___

DOB 2/14/67 Sex M Race W P C S

* *

ORDER OF COMMITMENT

Issued JULY 13, 1992

Justice of the Peace Precinct Number ___

County Court at Law Number ___ ___

___th District Court ___

Austin Municipal Court XX

Travis County, Texas

* *

SHERIFF'S RETURN

CAME TO HAND THIS 13 day of July, 19 92, at 8 o'clock P .M., and executed this 13 day of July, 19 92, at 8 o'clock P .M., by placing the accused in jail in Travis County, Texas.

DOYNE BIALEY
SHERIFF OF TRAVIS COUNTY, TEXAS

DR Ewalt #931
by Deputy

92-MC1552
DA#92-2940

THE STATE OF TEXAS X IN THE MUNICIPAL COURT,
COUNTY OF TRAVIS X CITY OF AUSTIN,
X TRAVIS COUNTY, TEXAS

AFFIDAVIT FOR WARRANT OF ARREST AND DETENTION

The Undersigned Affiant, who after being duly sworn by me, on oath, makes the following statement:
I HAVE GOOD REASON TO BELIEVE AND DO BELIEVE THAT SCOTT BERRY WM 2-1-67 & CHRISTOPHER LAMPRECHT WM 5-22-72 ON OR ABOUT THE 5TH DAY OF JULY, DID COMMIT THE OFFENSE OF BURGLARY OF BUILDING, A SECOND DEGREE FELONY.

ON JULY 5TH, 1992 DREW SCOTT REPORTED A BURGLARY OF HIS OFFICE LOCATED AT 4107 SPICEWOOD SPRINGS ROAD #110 NAMED FIRST AMERICAN TITLE COMPANY. ENTRY INTO THE OFFICE WAS THROUGH AN OUTSIDE DOOR SEPARATE FROM THE MAIN OFFICE COMPLEX ENTRY. DREW SCOTT WAS GOING TO MAKE AN INVENTORY OF WHAT WAS MISSING FROM THE OFFICE. OFFICER REINER MADE THE REPORT ALONG WITH REPORTS OF FIVE OTHER BUSINESSES IN THE OFFICE COMPLEX LOCATED AT 4107 SPICEWOOD SPRINGS ROAD. ON THE 9TH OF JULY SGT. MARTINEZ, PENDERGRASS AND BURT ARRESTED BERRY AND LAMPRECHT AFTER THEY TRIED TO SELL SOME CMPUTER CHIPS FROM A BURGLARY OF ADVANCED MICRO DEVICES'S SALES OFFICE AT 6300 BRIDGE POINT #500. THAT INVESTIGATION LEAD TO A SEARCH WARRANT OF BERRY AND LAMPRECHT'S APARTMENT LOCATED AT 2000 CEDAR BEND BUILDING 13 APARTMENT 210 ON THE MORNING OF THE 10TH OF JULY. RECOVERED IN THAT SEARCH WARRANT WERE NUMEROUS TITLES AND OTHER REAL ESTATE DOCUMENTS FROM FIRST AMERICAN TITLE. ALSO RECOVERED WERE THIRTEEN CASSETTES WHICH WERE BACKUP TAPES FOR FIRST AMERICAN TITLE'S COMPUTER SYSTEM. DREW SCOTT IDENTIFIED THESE TAPES ON THE 11TH AS BELONGING TO HIS COMPANY. BERRY AND LAMPRECHT HAVE BEEN FILED ON IN TWO OTHER BURGLARIES THAT OCCURRED IN THE TIME FRAME OF THIS BURGLARY. BOTH SUSPECTS WERE INTERESTED IN COMPUTERS AND OTHER COMPUTER SOFTWARE. SGT. BURT HAS TALKED WITH SCOTT BERRY WHO ADMITTED TO BEING A COMPUTER HACKER AND USES THE INFORMATION HE OBTAINS FOR MONETARY GAIN. BERRY HAS ADMITTED TO SEVARAL OTHER BURGLARIES IN ADDITION TO THE OTHER TWO THAT WERE FILED ON LAMPPRECHT AND HE. SGT. BURT HAS FILED ON LAMPRECHT IN THE FALL OF 1991 FOR A BURGLARY THAT WAS ASSOCIATED WITH COMPUTERS. SCOTT DREW DOES NOT KNOW EITHER SUSPECT AND DID NOT GIVE THEM PERMISSION TO ENTER THE BUSINESS AND REMOVE ANY PROPERTY. THIS OFFENSE OCCURRED IN AUSTIN TRAVIS COUNTY TEXAS.

K Burt
AFFIANT

SWORN AND SUBSCRIBED TO BEFORE ME BY THE SAID AFFIANT ON THE 13TH DAY OF JULY, 1992.

Magistrate, Municipal Court, Austin, Travis County, Texas

Notary Public in and for Travis County Texas. My commission expires

ON THIS THE 13TH DAY OF JULY, 1992, I HEREBY ACKNOWLEDGE I HAVE examined the foregoing affidavit and have determined that probable cause does exist for the issuance of a warrant of arrest for the individual(s) accused therein.

Magistrate, Municipal Court, Austin, Travis County, Texas

IN THE 167th JUDICIAL DISTRICT COURT OF TRAVIS COUNTY, TEXAS

NO. 923855 THE STATE OF TEXAS VS. Jason Copson

ARRAIGNMENT OF THE DEFENDANT ON PLEA OF GUILTY

On this the 8th day of February, A.D., 1993, the defendant, Jason Copso, and his attorney, Dale Stark, being present in open Court and the State's attorney also being present in open Court, and it appearing to the Court that the said defendant is on bail or is in custody and has been duly served with a copy of the indictment/~~information~~ herein at least two entire days prior to the present day, the Court proceeded to cause the said defendant to be arraigned herein in due form of law, to-wit: the name of the said defendant as stated in the indictment/~~information~~ was distinctly called, and thereupon the defendant stated that he understood the nature of the charges against him as contained in the indictment/~~information~~ and waived the reading of the indictment/~~information~~ and he was asked whether he was guilty or not guilty as therein charged, and the defendant answered in person that he was GUILTY as charged in said indictment/~~information~~.

Thereupon, the defendant was admonished by the Court of the consequences of said plea, including the minimum and maximum punishment provided by law, and of his right to remain silent, that he is not required to make a statement and that any statement he makes can be used against him, that he has a right to be confronted with the witnesses against him, and that he has a right to a jury trial, and the said defendant persisted in pleading guilty. It plainly appearing to the Court that the defendant is Mentally Competent and the Court finds his plea to be free and voluntary and the said plea of Guilty is by the Court received and here now entered of record upon the Minutes of the Court as the plea herein of said defendant.

Mike Lynch
JUDGE PRESIDING

VL 0712 PG 134

FILED
93 FEB -8 PM 4:17
DISTRICT CLERK
TRAVIS COUNTY, TEXAS

ENTERED 10-26-93 ACIC/TCIC

IN THE 167TH JUDICIAL DISTRICT COURT OF TRAVIS COUNTY, TEXAS

NO. 0923855 THE STATE OF TEXAS Vs. SCOTT BERRY; AKA: JASON COPSON

CAPIAS AFTER MANDATE

TO ANY SHERIFF OF THE STATE OF TEXAS; GREETINGS:

YOU ARE HEREBY COMMANDED TO ARREST: SCOTT BERRY, AKA: JASON COPSON who was convicted of the offense of:

BURGLARY OF A BUILDING

on 05/05/93, and thereafter on 05/05/93 sentenced to confinement in the INSTITUTIONAL DIVISION of the TEXAS DEPARTMENT OF CRIMINAL JUSTICE for a term of TEN (10) YEARS IN THE TDC

[redacted] Allenwood Low Security Corr Inst 11/2/93 C

An appeal was duly perfected from said judgment and sentence to the Court of Appeals at Austin, Texas, and thereafter said judgment was duly affirmed, and the Mandate of the Court of Appeals was filed in this office on 09/07/93.

YOU ARE THEREFORE COMMANDED to arrest and take into your custody the said SCOTT BERRY, AKA: JASON COPSON and place him in jail and therein keep him until delivered to the proper authorities, as directed by said sentence.

WITNESS MY SIGNATURE AND SEAL OF OFFICE, on this the 25th day of OCTOBER, A.D., 1993.

DISTRICT COURT OF TRAVIS COUNTY TEXAS

AMALIA RODRIGUEZ-MENDOZA,
District Clerk, Travis County, Texas

By: _____, Deputy

REFERENCE # 93018799

SHERIFF'S RETURN

Executed by arresting the said Scott Berry, and placing him in the Travis County Jail, there to await transportation to the INSTITUTIONAL DIVISION of the TEXAS DEPARTMENT OF CRIMINAL JUSTICE at Huntsville, Texas.

EXECUTED THIS THE 13 DAY OF June, A.D., 1993

DOYNE BAILEY, Sheriff, Travis County, Texas

By: _____, Deputy

CUSTODIAN OF RECORDS

FILED
98 OCT 30 PM 12:18
DISTRICT CLERK
TRAVIS COUNTY, TEXAS

FILED
1993 OCT 29 AM 10:20
TRAVIS COUNTY, TEXAS

```
10/25/93            CJS - P E R S O N   D E S C R I P T I O N          CJS130

PID=0241530         L/C DATE=070293                                    PAGE=01
NAME=BERRY,SCOTT EDWARD              *          RACE=CA  SEX=M   DOB=020167
PHONE          ADDRESS                          CITY                ST   ZIP
(000)000-0000  12001 METRIC BLVD                AUSTIN              TX  00000-0000
HEIGHT=5 FT 09 IN  WEIGHT=145 LBS   EYE=BRN   HAIR=BRN   POB=VA
OCCUPATION=                 SSN=[redacted]5612   TDL=000000000 00
FBI=                SHERIFF=  0000000  APD=0000254611   DPS=000000000000
MISC NO=                 00  MISC NO TYPE=    MISC NO STATE=
  UPDATE OR ADD=X  (Y/N)
    (I/N/D/U)          NAME                                L/C DATE  ALIAS SEQ
        I --- AKA --- BERRY,SCOTT E.                        071492      0001
        I --- AKA --- BERRY,SCOTT                           071492      0002
        I --- AKA --- COPSON,JASON                          012793      0003
        I --- AKA ---                                       000000      0000
        I --- AKA ---                                       000000      0000
        I --- AKA ---                                       000000      0000
        I --- AKA ---                                       000000      0000
        I --- AKA ---                                       000000      0000
        I --- AKA ---                                       000000      0000
        I --- AKA ---                                       000000      0000
NO MORE ALIASES AVAILABLE              OTHER SUBJECT NOS. EXIST--SEE CJS131
ENTER SCREEN=01 130  NO=0000000000241530  TYPE=PI  OPT=00  SID=            <*
```

(SCOTT BERRY)

167TH

FEL. = F
MISD. = M

F

NAME Copson (Last) Jason (First) (Middle)	Date 5-10-93
Address 4606 Medford Dr., Annandale, Va Zip 22003	Cause No. 92 3855
Phone (703) 941-4929 No. Dep. 0	Charge BURGLARY OF A BUILDIN
Who do you live with? Parents	Bond 10,000
How long at above address? 8 years How long in County? —	DOB 2-8-71 Pl. Bangor, Maine
Employer unemployed	Race Caucasian Sex Male Age 22
Address Phone	Color Hair Brown Eyes Brown
Position How Long	Ht. 5'10" Wt. 140 lbs
	Social Security No. [redacted] 5399
	DL No. [redacted] St. Va.

NEAREST RELATIVE AND PERMANENT CONTACTS

Name Nate Stark	Add. 900 Rio Grande, Austin, Tx.	Ph. 512-478-1860
Name Burt & Peggy Copson	Add. 4606 Medford Dr. Anna	Ph. 703-941-4929
Name Beverly Daniels	Add. 4010 Green Glade Rd, Phoenix	Ph. 410-592-9187
Name Mario Bezzini	Add. 10505 West Dr, Fairfax, Va.	Ph. 703-385-8305
Oleh Podryhula	7100 Baltimore Blvd, College Park, Ma	301-277-2727

Arrest Record Several 90-92

Probation yes Parole yes TDC no

Attorney Nate Stack Add. 900 Rio Grande, Austin, Tx Ph. 478-1860

Interviewed by Recommendation Ph.

Bond Fee Set at $30.00 by Judge

CARD OF MISD. ÷ FEL.

Pay bond fee in the amount of $30.00 to the Travis County Sheriff's Office at the Travis County Courthouse.

CASH DEPOSIT BOND

Rect 84686

THE STATE OF TEXAS
COUNTY OF TRAVIS

APPEAL **CASH DEPOSIT BOND** CAUSE NO. 92 3855

KNOW ALL MEN BY THESE PRESENTS

THAT I, JASON COPSON charged with the offense of a (~~Misdemeanor~~) (Felony), to wit: BURGLARY OF A BUILDING

am held and firmly bound unto the State of Texas in the penal sum stated below for the payment of which sum well and truly to be made, and in addition all necessary and reasonable fees and expenses that may be incurred by peace officers in rearresting me in the event the conditions of this bond are violated, I do bind myself, my heirs, executors and administrators, jointly and severally by these presents.

THE CONDITION OF THE ABOVE OBLIGATION IS THAT I swear that I will appear before the 167th DISTRICT COURT at the Travis County Courthouse, Eleventh and Guadalupe Street, Austin, Travis County, Texas, on the INSTANCE day of _____, 19____, at _____ M. or pay to the Court the principal sum of $ 10,000.00 plus all necessary and reasonable expenses incurred in any arrest for failure to appear. I hereby deposit with the Treasurer of Travis County, Texas, cash as security for my appearance in the amount of $ 1,000.00.

I further swear that I will appear before any court or magistrate before whom this cause may hereinafter be pending at any time and place as may be required.

Now if I shall well and truly make said appearance before the said Court, and there remain from day to day and term to term of said Court, until discharged by due course of law, then and there to answer said accusation against me, and further shall well and truly make my personal appearance in any and all subsequent proceedings that may be had relative to said charge in the course of the criminal action based on said charge, this obligation shall become void; Otherwise to remain in full force and effect.

Jason A. Copson
SIGNATURE OF DEFENDANT

I Certify that I am the Attorney ~~Not Retained~~ representing This Client.
Nate Stark

SWORN TO AND ~~SUBSCRIBED~~ BEFORE ME, This _____ day of _____, 19____

NOTARY PUBLIC IN AND FOR TRAVIS COUNTY

THIS BOND IS APPROVED AND THE DEFENDANT IS ORDERED RELEASED after completion of all booking process and deposit of the above sum.

JUDGE 167 COURT Mike Lynch

Austin TRAVIS COUNTY, TEXAS: _____ Date: 6-9-93

Received of Jason Copson the sum of 1000.00 on this bond.

Terry Keel
SHERIFF, TRAVIS COUNTY, TEXAS, by: Anna M Sidwell 410 Date: 6-9-93
Deputy

FILED
93 JUN 10 PM 2:44
DISTRICT CLERK
TRAVIS COUNTY, TEXAS
Maria Rodriguez, Deputy

COURT OF APPEALS

THIRD DISTRICT OF TEXAS

P.O. BOX 12547, CAPITOL STATION, AUSTIN, TEXAS 78711-2547
(512) 463-1733

JIMMY CARROLL, CHIEF JUSTICE
JOHN POWERS, JUSTICE
MARILYN ABOUSSIE, JUSTICE
WOODIE JONES, JUSTICE
MACK KIDD, JUSTICE
BEA ANN SMITH, JUSTICE

W. KENNETH LAW, CLERK

PATRICK SHANNON
CHIEF STAFF ATTORNEY

August 25, 1993

Mr. Nate Stark
900 Rio Grande
Austin, TX 78701

The Honorable Ronald Earle
District Attorney
Travis County Courthouse
P. O. Box 1748
Austin, TX 78767

Re: No. 3-93-322-CR--Scott Berry, a/k/a Jason Cop Berry v. The State of Texas
(t/c no. 0923855)

Dear Counsel:

You are hereby notified that appellant's motion to dismiss appeal in the above cause was this day submitted and granted. The appeal is dismissed on appellant's motion. A copy of the Court's opinion and judgment are enclosed, in accordance with Rule 91, Tex. R. App. P.

The Court's mandate has been issued this date to the clerk of the trial court under separate cover.

Very truly yours,

W. KENNETH LAW, CLERK

By: Tricia McPeak
Tricia McPeak, Deputy

Enclosures

cc: The Honorable Amalia Rodriguez-Mendoza, District Clerk
The Honorable Michael Lynch, District Judge
The Honorable Thomas Lowe, Clerk, Court of Criminal Appeals
The Honorable Robert Huttash, State Prosecuting Attorney

IN THE COURT OF APPEALS, THIRD DISTRICT OF TEXAS,

AT AUSTIN

JUDGMENT RENDERED AUGUST 25, 1993

NO. 3-93-322-CR

SCOTT BERRY, A/K/A JASON COP BERRY V. THE STATE OF TEXAS
APPEAL FROM 167TH COURT OF TRAVIS COUNTY
BEFORE CHIEF JUSTICE CARROLL, JUSTICES ABOUSSIE AND JONES
APPEAL DISMISSED ON APPELLANT'S MOTION --
PER CURIAM OPINION

THIS CAUSE came on to be heard on the written motion of the appellant to withdraw the appeal and the same being considered, because it is the opinion of this Court that the same should be granted: it is ORDERED, ADJUDGED and DECREED by the Court that appellant be allowed to withdraw his notice of appeal and that the appeal be dismissed; and it appearing that the appellant is indigent and unable to pay costs, that no adjudication as to costs is made; and that this decision be certified below for observance.

IN THE COURT OF APPEALS, THIRD DISTRICT OF TEXAS,

AT AUSTIN

NO. 3-93-322-CR

SCOTT BERRY, A/K/A JASON COP BERRY,

APPELLANT

vs.

THE STATE OF TEXAS,

APPELLEE

FROM THE DISTRICT COURT OF TRAVIS COUNTY, 167TH JUDICIAL DISTRICT

NO. 0923855, HONORABLE MICHAEL LYNCH, JUDGE PRESIDING

PER CURIAM

This is an appeal from a judgment of conviction for burglary of a building. Punishment was assessed at confinement for 10 years.

Appellant has filed a motion to withdraw the appeal. No decision of this Court has been delivered. The motion is granted and the appeal is dismissed. *See* Tex. R. App. P. 59(b).

[Before Chief Justice Carroll, Justices Aboussie and Jones]

Dismissed on Appellant's Motion

Filed: August 25, 1993

[Do Not Publish]

COURT OF APPEALS

THIRD DISTRICT OF TEXAS

P.O. BOX 12547, CAPITOL STATION, AUSTIN, TEXAS 78711-2547
(512) 463-1733

JIMMY CARROLL, CHIEF JUSTICE
JOHN POWERS, JUSTICE
MARILYN ABOUSSIE, JUSTICE
WOODIE JONES, JUSTICE
MACK KIDD, JUSTICE
BEA ANN SMITH, JUSTICE

August 4, 1993

W. KENNETH LAW, CLERK

PATRICK SHANNON
CHIEF STAFF ATTORNEY

Filed

Mr. Nate Stark
900 Rio Grande
Austin, Texas 78701

Honorable Ronald Earle
District Attorney
Travis County Courthouse
P. O. Box 1748
Austin, Texas 78767

Re: Nos. 3-93-322-CR; 3-93-325-CR; 3-93-333-CR; 3-93-334-CR & 3-93-335-CR--Jason Copson a/k/a Scott Berry v. The State of Texas
(t/c nos. 0923855. 0930391, 0930392, 0923858 & 0930390)

Motion TO DISMISS Appeal Filed

Counsel:

Enclosed is a copy of the order handed down by this Court on this date in the above cause.

Very truly yours,

W. KENNETH LAW, CLERK

By Caroline Johnson
Caroline Johnson, Deputy

Encl.

FILED
Aug 24 2 01 PM '93
Amalia Rodriguez-Mendoza
DISTRICT CLERK
TRAVIS COUNTY, TEXAS

xc: The Honorable Michael Lynch, District Judge
The Honorable Amalia Rodriguez-Mendoza, District Clerk

IN THE COURT OF APPEALS, THIRD DISTRICT OF TEXAS,

AT AUSTIN

NO. 3-93-322-CR
NO. 3-93-325-CR
NO. 3-93-333-CR
NO. 3-93-334-CR
AND
NO. 3-93-335-CR

JASON COPSON a/k/a
SCOTT BERRY,

APPELLANT

vs.

THE STATE OF TEXAS,

APPELLEE

FROM THE DISTRICT COURT OF TRAVIS COUNTY, 167TH JUDICIAL DISTRICT

NOS. 0923855, 0930391, 0930392, 0923858, & 0930390

HONORABLE MICHAEL LYNCH, JUDGE PRESIDING

ORDER

PER CURIAM

These are appeals from judgments of conviction for burglary of a building and aggravated assault. The transcripts reflect that counsel was appointed to represent appellant at trial after the filing of affidavits of indigence. Subsequently, appellant hired an attorney to represent him at trial, and the same attorney now represents appellant on appeal. Although this Court has been informed that appellate counsel was appointed, no order of appointment appears in the records. Further, the transcripts contain no motion for free statement of facts. Tex. R.

FILED
DISTRICT COURT
TRAVIS COUNTY, TEXAS

App. P. 53(j)(2); *Snoke v. State*, 780 S.W.2d 210, 212-13 (Tex. Crim. App. 1989); *Abdnor v. State*, 712 S.W.2d 136 (Tex. Crim. App. 1986).

The statement of facts in these causes was due to be filed on July 5, 1993. No statement of facts has been filed, no extension of time has been requested, and appellant's counsel of record, Mr. Nate Stark, has not responded to this Court's notice that the statement of facts is overdue.

Pursuant to Tex. R. App. P. 53(m), the trial court is ordered to conduct a hearing to determine whether appellant is or is not indigent, whether counsel is appointed or retained, and whether appellant is or is not entitled to a free statement of facts on appeal. The court shall take all measures necessary to assure a meaningful appeal including, if necessary, appointing new counsel and ordering the preparation of a statement of facts. The record from this hearing, including copies of all findings and orders and a transcription of the court reporter's notes, shall be forwarded to the Clerk of this Court for filing as a supplemental record on or before September 10, 1993.

It is so ordered this 4th day of August 1993.

[Before Chief Justice Carroll, Justices Aboussie and Jones; Justice Jones Not Participating]

Filed: August 4, 1993

[Do Not Publish]

IN THE 167TH JUDICIAL DISTRICT COURT OF TRAVIS COUNTY, TEXAS

NO. 0923855 THE STATE OF TEXAS Vs. SCOTT BERRY; AKA: JASON COPSON

CAPIAS AFTER MANDATE

TO ANY SHERIFF OF THE STATE OF TEXAS; GREETINGS:

YOU ARE HEREBY COMMANDED TO ARREST: SCOTT BERRY, AKA: JASON COPSON who was convicted of the offense of:

BURGLARY OF A BUILDING

on 05/05/93, and thereafter on 05/05/93 sentenced to

confinement in the INSTITUTIONAL DIVISION of the TEXAS DEPARTMENT OF CRIMINAL JUSTICE for a term of TEN (10) YEARS IN THE TDC

An appeal was duly perfected from said judgment and sentence to the Court of Appeals at Austin, Texas, and thereafter said judgment was duly affirmed, and the Mandate of the Court of Appeals was filed in this office on 09/07/93.

YOU ARE THEREFORE COMMANDED to arrest and take into your custody the said SCOTT BERRY, AKA: JASON COPSON and place him in jail and therein keep him until delivered to the proper authorities, as directed by said sentence.

WITNESS MY SIGNATURE AND SEAL OF OFFICE, on this the 25th day of OCTOBER, A.D., 1993.

DISTRICT COURT OF TRAVIS COUNTY TEXAS

AMALIA RODRIGUEZ-MENDOZA,
District Clerk, Travis County, Texas

By: _____, Deputy

SHERIFF'S RETURN

Executed by arresting the said _____, and placing him in the Travis County Jail, there to await transportation to the INSTITUTIONAL DIVISION of the TEXAS DEPARTMENT OF CRIMINAL JUSTICE at Huntsville, Texas.

EXECUTED THIS THE _____ DAY OF _____, A.D., 19___.

DOYNE BAILEY, Sheriff, Travis County, Texas

By: _____, Deputy

COPY

```
10/25/93            CJS - P E R S O N   D E S C R I P T I O N          CJS130

PID=0241530         L/C DATE=070293                                    PAGE=01
NAME=BERRY,SCOTT EDWARD              *          RACE=CA  SEX=M   DOB=020167
PHONE          ADDRESS                          CITY                ST   ZIP
(000)000-0000  12001 METRIC BLVD                AUSTIN              TX  00000-0000
HEIGHT=5 FT 09 IN  WEIGHT=145 LBS   EYE=BRN   HAIR=BRN   POB=VA
OCCUPATION=                 SSN=[redacted]612   TDL=000000000 00
FBI=                SHERIFF=   0000000  APD=000025461I   DPS=000000000000
MISC NO=                 00  MISC NO TYPE=     MISC NO STATE=
  UPDATE OR ADD=X  (Y/N)
    (I/N/D/U)          NAME                              L/C DATE  ALIAS SEQ
        I --- AKA --- BERRY,SCOTT E.                      071492      0001
        I --- AKA --- BERRY,SCOTT                         071492      0002
        I --- AKA --- COPSON,JASON                        012793      0003
        I --- AKA ---                                     000000      0000
        I --- AKA ---                                     000000      0000
        I --- AKA ---                                     000000      0000
        I --- AKA ---                                     000000      0000
        I --- AKA ---                                     000000      0000
        I --- AKA ---                                     000000      0000
        I --- AKA ---                                     000000      0000
NO MORE ALIASES AVAILABLE              OTHER SUBJECT NOS. EXIST--SEE CJS131
ENTER SCREEN=01 130  NO=0000000000241530  TYPE=PI  OPT=00  SID=            <*
```

(SCOTT BERRY)

167TH

FEL. = F
MISD. = M

F

NAME	COPSON JASON	Date	5-10-93
	Last First Middle	Cause No.	92 3855
Address	4606 Medford Dr., Annandale, Va. Zip 22003	Charge	BURGLARY OF A BUILDIN
Phone	(703) 941-4929 No. Dep. 0	Bond	10,000
Who do you live with?	Parents	DOB	2-8-71 Pl. Bangor, Maine
How long at above address?	8 years How long in County? —	Race	Caucasian Sex Male Age 22
Employer	unemployed	Color Hair	Brown Eyes Brown
Address	Phone	Ht.	5'10" Wt. 170 lbs
Position	How Long	Social Security No.	[redacted] 5399
		DL No.	[redacted] St. Va.

NEAREST RELATIVE AND PERMANENT CONTACTS

Name Nate Stark	Add. 900 Rio Grande, Austin, Tx.	Ph. 512-478-1860
Name Burt & Peggy Copson	Add. 4606 Medford Dr. Anna	Ph. 703 941-4929
Name Beverly Daniels	Add. 4010 Green Glade Rd, Phoenix	Ph. 410-592-9187
Name Mario Bezzini	Add. 10505 West Dr, Fairfax, Va.	Ph. 703-385-8305
Oleh Podryhula	7100 Baltimore Blvd, College Park, Md	301-277-2727

Arrest Record Several 90-92		
Probation yes	Parole yes	TDC no
Attorney Nate Stark	Add. 900 Rio Grande, Austin, Tx	Ph. 478-1860
Interviewed by	Recommendation	Ph.
Bond Fee Set at $30.00	by Judge	

CARD OF MISD. + FEL.

Pay bond fee in the amount of $30.00 to the Travis County Sheriff's Office at the Travis County Courthouse.

CASH DEPOSIT BOND

Rect 84686

THE STATE OF TEXAS
COUNTY OF TRAVIS

APPEAL **CASH DEPOSIT BOND** CAUSE NO. 92 3855

KNOW ALL MEN BY THESE PRESENTS

THAT I, JASON COPSON charged with the offense of a ~~Misdemeanor~~ (Felony), to wit. BURGLARY OF A BUILDING

am held and firmly bound unto the State of Texas in the penal sum stated below for the payment of which sum well and truly to be made, and in addition all necessary and reasonable fees and expenses that may be incurred by peace officers in rearresting me in the event the conditions of this bond are violated. I do bind myself, my heirs, executors and administrators, jointly and severally by these presents.

THE CONDITION OF THE ABOVE OBLIGATION IS THAT I swear that I will appear before the 167th DISTRICT COURT at the Travis County Courthouse, Eleventh and Guadalupe Street, Austin, Travis County, Texas, on the INSTANTER day of _____, 19____, at _____ M. or pay to the Court the principal sum of $ 10,000.00 plus all necessary and reasonable expenses incurred in any arrest for failure to appear. I hereby deposit with the Treasurer of Travis County, Texas, cash as security for my appearance in the amount of $ 1,000.00.

I further swear that I will appear before any court or magistrate before whom this cause may hereinafter be pending at any time and place as may be required.

Now if I shall well and truly make said appearance before the said Court, and there remain from day to day and term to term of said Court, until discharged by due course of law, then and there to answer said accusation against me, and further shall well and truly make my personal appearance in any and all subsequent proceedings that may be had relative to said charge in the course of the criminal action based on said charge, this obligation shall become void; Otherwise to remain in full force and effect.

Jason D. Copson
SIGNATURE OF DEFENDANT

I Certify that I am the Attorney representing This Client.

SWORN TO AND SUBSCRIBED BEFORE ME, This _____ day of _____, 19____

_____
NOTARY PUBLIC IN AND FOR TRAVIS COUNTY

FILED
93 JUN 10 3:44 PM
DISTRICT CLERK
TRAVIS COUNTY

THIS BOND IS APPROVED AND THE DEFENDANT IS ORDERED RELEASED after completion of all booking process and deposit of the above sum.

JUDGE 167 COURT Mike Lynch

Austin TRAVIS COUNTY, TEXAS: _____ Date: 6-9-93

Received of Jason Copson the sum of 1000.00 on this bond.

Terry Keel
SHERIFF, TRAVIS COUNTY, TEXAS, by: Anna Gn Sidwell 410 Date: 6-9-93
Deputy

TRIAL COURT NO. **0923855**

THE STATE OF TEXAS.

TO THE 167TH DISTRICT COURT of TRAVIS COUNTY - GREETINGS:

Before our **COURT OF APPEALS**, on the 25th of August A.D. 1993, the cause upon appeal to revise or reverse your Judgment between

SCOTT BERRY, A/K/A JASON COP BERRY, Appellant,

No. 3-93-322-CR

vs.

THE STATE OF TEXAS, Appellee,

was determined; and therein our said COURT OF APPEALS made its orders in these words:

THIS CAUSE came on to be heard on the written motion of the appellant to withdraw the appeal and the same being considered, because it is the opinion of this Court that the same should be granted: it is ORDERED, ADJUDGED and DECREED by the Court that appellant be allowed to withdraw his notice of appeal and that the appeal be dismissed; and it appearing that the appellant is indigent and unable to pay costs, that no adjudication as to costs is made; and that this decision be certified below for observance.

WHEREFORE, We command you to observe the order of said **COURT OF APPEALS** in this behalf and in all things have it duly recognized, obeyed and executed.

WITNESS the **HONORABLE JIMMY CARROLL**, Chief Justice of our said **COURT OF APPEALS** for the Third District of Texas, with the seal thereof annexed, at the City of Austin, this the 25th day of August A.D. 1993.

W. KENNETH LAW, CLERK

by: Tricia McPeak
Tricia McPeak, Deputy

FILED

SEP 7 12 17 PM '93

DISTRICT CLERK
TRAVIS COUNTY, TEXAS

10-25-93. Copies issued. Clerk.

NOTED & ENTERED INTO APPEALS DATABASE.
ROA db updated. No Record in Exhibits db. Clerk.

COURT OF APPEALS

THIRD DISTRICT OF TEXAS

P.O. BOX 12547, CAPITOL STATION, AUSTIN, TEXAS 78711-2547
(512) 463-1733

JIMMY CARROLL, CHIEF JUSTICE
JOHN POWERS, JUSTICE
MARILYN ABOUSSIE, JUSTICE
WOODIE JONES, JUSTICE
MACK KIDD, JUSTICE
BEA ANN SMITH, JUSTICE

August 25, 1993

W. KENNETH LAW, CLERK

PATRICK SHANNON
CHIEF STAFF ATTORNEY

Mr. Nate Stark
900 Rio Grande
Austin, TX 78701

The Honorable Ronald Earle
District Attorney
Travis County Courthouse
P. O. Box 1748
Austin, TX 78767

Re: No. 3-93-322-CR--Scott Berry, a/k/a Jason Cop Berry v. The State of Texas
(t/c no. 0923855)

Dear Counsel:

You are hereby notified that appellant's motion to dismiss appeal in the above cause was this day submitted and granted. The appeal is dismissed on appellant's motion. A copy of the Court's opinion and judgment are enclosed, in accordance with Rule 91, Tex. R. App. P.

The Court's mandate has been issued this date to the clerk of the trial court under separate cover.

Very truly yours,

W. KENNETH LAW, CLERK

By: Tricia McPeak
Tricia McPeak, Deputy

Enclosures

cc: The Honorable Amalia Rodriguez-Mendoza, District Clerk
The Honorable Michael Lynch, District Judge
The Honorable Thomas Lowe, Clerk, Court of Criminal Appeals
The Honorable Robert Huttash, State Prosecuting Attorney

IN THE COURT OF APPEALS, THIRD DISTRICT OF TEXAS,

AT AUSTIN

JUDGMENT RENDERED AUGUST 25, 1993

NO. 3-93-322-CR

SCOTT BERRY, A/K/A JASON COP BERRY V. THE STATE OF TEXAS
APPEAL FROM 167TH COURT OF TRAVIS COUNTY
BEFORE CHIEF JUSTICE CARROLL, JUSTICES ABOUSSIE AND JONES
APPEAL DISMISSED ON APPELLANT'S MOTION --
PER CURIAM OPINION

THIS CAUSE came on to be heard on the written motion of the appellant to withdraw the appeal and the same being considered, because it is the opinion of this Court that the same should be granted: it is ORDERED, ADJUDGED and DECREED by the Court that appellant be allowed to withdraw his notice of appeal and that the appeal be dismissed; and it appearing that the appellant is indigent and unable to pay costs, that no adjudication as to costs is made; and that this decision be certified below for observance.

FILED

SEP 7 12 17 PM '93

DISTRICT CLERK
TRAVIS

IN THE COURT OF APPEALS, THIRD DISTRICT OF TEXAS,

AT AUSTIN

NO. 3-93-322-CR

SCOTT BERRY, A/K/A JASON COP BERRY,

APPELLANT

vs.

THE STATE OF TEXAS,

APPELLEE

FROM THE DISTRICT COURT OF TRAVIS COUNTY, 167TH JUDICIAL DISTRICT

NO. 0923855, HONORABLE MICHAEL LYNCH, JUDGE PRESIDING

PER CURIAM

This is an appeal from a judgment of conviction for burglary of a building. Punishment was assessed at confinement for 10 years.

Appellant has filed a motion to withdraw the appeal. No decision of this Court has been delivered. The motion is granted and the appeal is dismissed. *See* Tex. R. App. P. 59(b).

[Before Chief Justice Carroll, Justices Aboussie and Jones]

Dismissed on Appellant's Motion

Filed: August 25, 1993

[Do Not Publish]

FILED

SEP 7 12 37 PM

DISTRICT CLERK

TR

COURT OF APPEALS

THIRD DISTRICT OF TEXAS

P.O. BOX 12547, CAPITOL STATION, AUSTIN, TEXAS 78711-2547
(512) 463-1733

JIMMY CARROLL, CHIEF JUSTICE
JOHN POWERS, JUSTICE
MARILYN ABOUSSIE, JUSTICE
WOODIE JONES, JUSTICE
MACK KIDD, JUSTICE
BEA ANN SMITH, JUSTICE

August 25, 1993

W. KENNETH LAW, CLERK

PATRICK SHANNON
CHIEF STAFF ATTORNEY

The Honorable Amalia Rodriguez-Mendoza
District Clerk
Travis County Courthouse
P. O. Box 1748
Austin, Texas 78767

Re: No. 3-93-322-CR--Scott Berry, a/k/a Jason Cop Berry v. State of Texas
(t/c no. 0923855)

Dear Ms. Rodriguez-Mendoza:

Enclosed, with reference to the above cause, is the mandate of this Court. Please acknowledge your receipt of same by returning the enclosed card to this office, appropriately completed. Please note that, because the appeal has been dismissed, the judgment of the trial court is in full force and effect, and appropriate enforcement procedures may need to be instituted in your office, including issuance of capias.

Your cooperation in this regard is appreciated.

Respectfully yours,

W. KENNETH LAW, CLERK

By Tricia McPeak
Tricia McPeak, Deputy

Enclosures to Clerk

xc: Mr. Nate Stark
The Honorable Ronald Earle, District Attorney

COURT OF APPEALS

THIRD DISTRICT OF TEXAS

P.O. BOX 12547, CAPITOL STATION, AUSTIN, TEXAS 78711-2547
(512) 463-1733

JIMMY CARROLL, CHIEF JUSTICE
JOHN POWERS, JUSTICE
MARILYN ABOUSSIE, JUSTICE
WOODIE JONES, JUSTICE
MACK KIDD, JUSTICE
BEA ANN SMITH, JUSTICE

August 4, 1993

W. KENNETH LAW, CLERK

PATRICK SHANNON
CHIEF STAFF ATTORNEY

Mr. Nate Stark
900 Rio Grande
Austin, Texas 78701

Honorable Ronald Earle
District Attorney
Travis County Courthouse
P. O. Box 1748
Austin, Texas 78767

Re: Nos. 3-93-322-CR; 3-93-325-CR; 3-93-333-CR; 3-93-334-CR & 3-93-335-CR--Jason Copson a/k/a Scott Berry v. The State of Texas
(t/c nos. 0923855, 0930391, 0930392, 0923858 & 0930390)

Counsel:

Enclosed is a copy of the order handed down by this Court on this date in the above cause.

Very truly yours,

W. KENNETH LAW, CLERK

By Caroline Johnson
Caroline Johnson, Deputy

Encl.

xc: The Honorable Michael Lynch, District Judge
The Honorable Amalia Rodriguez-Mendoza, District Clerk

IN THE COURT OF APPEALS, THIRD DISTRICT OF TEXAS,

AT AUSTIN

NO. 3-93-322-CR
NO. 3-93-325-CR
NO. 3-93-333-CR
NO. 3-93-334-CR
AND
NO. 3-93-335-CR

JASON COPSON a/k/a
SCOTT BERRY,

APPELLANT

vs.

THE STATE OF TEXAS,

APPELLEE

FROM THE DISTRICT COURT OF TRAVIS COUNTY, 167TH JUDICIAL DISTRICT

NOS. 0923855, 0930391, 0930392, 0923858, & 0930390

HONORABLE MICHAEL LYNCH, JUDGE PRESIDING

O R D E R

PER CURIAM

These are appeals from judgments of conviction for burglary of a building and aggravated assault. The transcripts reflect that counsel was appointed to represent appellant at trial after the filing of affidavits of indigence. Subsequently, appellant hired an attorney to represent him at trial, and the same attorney now represents appellant on appeal. Although this Court has been informed that appellate counsel was appointed, no order of appointment appears in the records. Further, the transcripts contain no motion for free statement of facts. Tex. R.

App. P. 53(j)(2); *Snoke v. State*, 780 S.W.2d 210, 212-13 (Tex. Crim. App. 1989); *Abdnor v. State*, 712 S.W.2d 136 (Tex. Crim. App. 1986).

The statement of facts in these causes was due to be filed on July 5, 1993. No statement of facts has been filed, no extension of time has been requested, and appellant's counsel of record, Mr. Nate Stark, has not responded to this Court's notice that the statement of facts is overdue.

Pursuant to Tex. R. App. P. 53(m), the trial court is ordered to conduct a hearing to determine whether appellant is or is not indigent, whether counsel is appointed or retained, and whether appellant is or is not entitled to a free statement of facts on appeal. The court shall take all measures necessary to assure a meaningful appeal including, if necessary, appointing new counsel and ordering the preparation of a statement of facts. The record from this hearing, including copies of all findings and orders and a transcription of the court reporter's notes, shall be forwarded to the Clerk of this Court for filing as a supplemental record on or before September 10, 1993.

It is so ordered this 4th day of August 1993.

[Before Chief Justice Carroll, Justices Aboussie and Jones; Justice Jones Not Participating]

Filed: August 4, 1993

[Do Not Publish]

(SCOTT BERRY)

167th

FEL. = F
MISD. = M

F

NAME Copson (Last) Jason (First) (Middle)	Date 5-10-93
Address 4606 Medford Dr., Annandale, Va. Zip 22003	Cause No. 92 3855
Phone (703) 941-4929 No. Dep. 0	Charge BURGLARY OF A BUILDIN
Who do you live with? Parents	Bond 10,000
How long at above address? 8 years How long in County? —	DOB 2-8-71 Pl. Bangor, Maine
Employer unemployed	Race Caucasion Sex Male Age 22
Address Phone	Color Hair Brown Eyes Brown
Position How Long	Ht. 5'10" Wt. 140 lbs.
	Social Security No. [redacted] 5399
	DL No. [redacted] St. Va.

NEAREST RELATIVE AND PERMANENT CONTACTS

Name Nate Stark	Add. 900 Rio Grande, Austin, Tx.	Ph. 512-478-1860
Name Burt & Peggy Copson	Add. 4606 Medford Dr, Anna	Ph. 703-941-4929
Name Beverly Daniels	Add. 4010 Green Glade Rd, Phoenix	Ph. 410-592-9187
Name Mario Bezzini	Add. 10505 West Dr, Fairfax, Va.	Ph. 703-385-8305
Olen Podryhula	7100 Baltimore Blvd, College Park, Ma	301-277-2727

Arrest Record Several 90-92

Probation yes Parole yes TDC no

Attorney Nate Stark Add. 900 Rio Grande, Austin, Tx Ph. 478-1860

Interviewed by Recommendation Ph.

Bond Fee Set at $30.00 by Judge

CARD OF MISD. ÷ FEL.

Pay bond fee in the amount of $30.00 to the Travis County Sheriff's Office at the Travis County Courthouse.

CASH DEPOSIT BOND

Rect 84686

THE STATE OF TEXAS
COUNTY OF TRAVIS

APPEAL **CASH DEPOSIT BOND** CAUSE NO. 92 3855

KNOW ALL MEN BY THESE PRESENTS

THAT I, JASON COPSON charged with the offense of a (~~Misdemeanor~~) (Felony), to wit. BURGLARY OF A BUILDING am held and firmly bound unto the State of Texas in the penal sum stated below for the payment of which sum well and truly to be made, and in addition all necessary and reasonable fees and expenses that may be incurred by peace officers in rearresting me in the event the conditions of this bond are violated, I do bind myself, my heirs, executors and administrators, jointly and severally by these presents.

THE CONDITION OF THE ABOVE OBLIGATION IS THAT I swear that I will appear before the 167th DISTRICT COURT at the Travis County Courthouse, Eleventh and Guadalupe Street, Austin, Travis County, Texas, on the INSTANTER day of _____, 19____, at _____ M. or pay to the Court the principal sum of $ 10,000 00 plus all necessary and reasonable expenses incurred in any arrest for failure to appear. I hereby deposit with the Treasurer of Travis County, Texas, cash as security for my appearance in the amount of $ 1,000 00.

I further swear that I will appear before any court or magistrate before whom this cause may hereinafter be pending at any time and place as may be required.

Now if I shall well and truly make said appearance before the said Court, and there remain from day to day and term to term of said Court, until discharged by due course of law, then and there to answer said accusation against me, and further shall well and truly make my personal appearance in any and all subsequent proceedings that may be had relative to said charge in the course of the criminal action based on said charge, this obligation shall become void; Otherwise to remain in full force and effect.

Jason D. Copson
SIGNATURE OF DEFENDANT

I Certify that I am the Attorney Representing This Client.
Nate Stark

SWORN TO AND SUBSCRIBED BEFORE ME, This _____ day of _____, 19____

_____
NOTARY PUBLIC IN AND FOR TRAVIS COUNTY

FILED
1993 JUN 10 AM 8:44
DISTRICT CLERK
TRAVIS COUNTY, TEXAS

THIS BOND IS APPROVED AND THE DEFENDANT IS ORDERED RELEASED after completion of all booking process and deposit of the above sum.

JUDGE 167 COURT Mike Lynch

Austin TRAVIS COUNTY, TEXAS: _____ Date: 6-9-93

Received of Jason Copson the sum of 1000.00 on this bond.

Terry Keel
SHERIFF, TRAVIS COUNTY, TEXAS, by: Anna Mae Sidwell 410 Date: 6-9-93
Deputy

NO. 92,3855

THE STATE OF TEXAS	*	IN THE 167TH JUDICIAL
VS.	*	DISTRICT COURT OF
SCOTT BERRY	*	TRAVIS COUNTY, TEXAS

NOTICE OF APPEAL

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the Defendant, by and through his counsel of record, and files this his notice of appeal from the judgment of conviction herein to the 3rd Court of Appeals sitting at Austin, Texas.

Respectfully submitted,

NATE STARK
900 Rio Grande
Austin, Texas 78701
(512) 478-1860
State Bar No. 19063300
ATTORNEY FOR DEFENDANT

Filed in The District Court
of Travis County, Texas
on MAY 3, 1993
at 4:30 P.M.
Amelia Rodriguez-Mendoza, Clerk

NO. 92,3855

THE STATE OF TEXAS	*	IN THE 167TH JUDICIAL
VS.	*	DISTRICT COURT OF
SCOTT BERRY	*	TRAVIS COUNTY, TEXAS

ORDER APPROVING APPEAL AND BOND ON APPEAL

TO THE HONORABLE JUDGE OF SAID COURT:

ON THE 5th day of May, 1993, came on to be heard Defendant's Notice of Appeal and the Court being of the opinion that the defendant should be allowed the right to appeal under Art. 44.08 (c) of the Code of Criminal Procedure;

The Court finds that the Defendant's sentence herein does not exceed ten years.

The Court is further of the opinion that the security of an appeal bond will be sufficient to provide for the Defendant's appearance on appeal.

It is therefore ORDERED, ADJUDGED AND DECREED that the Defendant be admitted to reasonable bail in the amount of $10,000 personal bond with $1,000 cash deposit as the appeal bond in this cause.

JUDGE PRESIDING

Filed in The District Court
of Travis County, Texas
on MAY 31 1993
at 11:30 A M.
Amalia Rodriguez-Mendoza, Clerk

COUNTY OF TRAVIS
STATE OF TEXAS

AMALIA RODRIGUEZ-MENDOZA
District Clerk

P.O. Box 1748
Austin, Texas 78767

May 19, 1993

Diagnostic Center
Institutional Division
Texas Department of Criminal Justice
Huntsville, Texas 77340

TRANSMITTAL OF CERTIFIED COMMITMENT PAPERS

Transmitted this day are certified copies of the Judgment and Sentence in the following cases wherein the sentence imposed in each case is for a period of confinement in your facility:

CAUSE NO.	COURT	DEFENDANT
0925532	167	ABRAM ACEVEDO
0925773	167	STEVE BATTLES
0925774	167	STEVE BATTLES
0932011	167	STEVE BATTLES
0930089	167	GALEN BYBEE
0930390	167	JASON AKA S. BERRY COPSON
0930391	167	JASON AKA S. BERRY COPSON
0930392	167	JASON AKA S. BERRY COPSON
0923855	167	JASON AKA SCOTT BER COPSON
0923858	167	JASON AKA SCOTT BER COPSON
0932059	167	JACQUELINE CRAWFORD
0915189	167	ROBERT DAVIS
0931840	167	BRENDA DUVALL
0925705	167	RODNEY B. FAGINS
0921605	167	RODNEY FAGIN
0910704	167	HECTOR FLORES
0925819	167	BRIAN HARDY
0914406	167	JOHN OLLIE HILL
0931807	167	JOHN OLLIE HILL
0915816	167	CHAUNCY JACKSON
0091028	167	MONTE W. KNOWLES
0931587	167	MICHAEL MCKEE
0910710	167	BENNY OROSCO
0105834	167	GARY REESE
0925172	167	MIGUEL S. RODRIGUEZ
0932205	167	DIANA VASQUEZ SHIEK
0931226	167	VIRGIL LAMONT STRONG
0914253	167	HARVEY THOMPSON
0087086	167	LONG TRAN

IN THE 167 JUDICIAL DISTRICT COURT OF TRAVIS COUNTY, TEXAS

NO. 0923855 THE STATE OF TEXAS VS. SCOTT AKA JASON COP BERRY

JUDGMENT ON PLEA OF GUILTY BEFORE COURT
WAIVER OF JURY TRIAL

JUDGE
PRESIDING: MICHAEL LYNCH

DATE OF
JUDGMENT: FEBRUARY 8,1993

ATTORNEY FOR STATE:
FRANK BRYAN

ATTORNEY(S) FOR DEFENDANT:
NATE STARK

OFFENSE FOR WHICH CONVICTED:

BURGLARY OF A BUILDING

DEGREE: SECOND

DATE OFFENSE
COMMITTED: JULY 5,1992

CHARGING INSTRUMENT: INDICTMENT

PLEA: GUILTY

TERMS OF PLEA BARGAIN:

TEN (10) YEARS IN THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE
INSTITUTIONAL DIVISION

PLEA TO ENHANCEMENT PARAGRAPHS: NONE.

FINDINGS ON ENHANCEMENT: NONE.

FINDINGS ON USE OF A DEADLY WEAPON: NONE.

DATE SENTENCE IMPOSED: MAY 5,1993

COSTS: 82.50

TEN (10) YEARS IN THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE
INSTITUTIONAL DIVISION

DATE SENTENCE TO COMMENCE: MAY 5,1993

TIME CREDITED: FROM JULY 9,1992 TO MAY 5,1993

TOTAL AMOUNT OF RESTITUTION/REPARATION: NONE.

THIS SENTENCE IS TO RUN CONCURRENT UNLESS OTHERWISE SPECIFIED.

NOTICE OF APPEAL: NO.

VOL 7300 PG 865

FILED

93 MAY 10 PM 3:07

DISTRICT CLERK
TRAVIS COUNTY, TEXAS

IN THE 167 JUDICIAL DISTRICT COURT OF TRAVIS COUNTY, TEXAS

NO. 0923855 THE STATE OF TEXAS VS. SCOTT AKA JASON COP BERRY

JUDGMENT AND SENTENCE OF THE COURT

On FEBRUARY 8,1993, this cause was regularly reached and called for trial and the State appeared by her District Attorney and the defendant, SCOTT AKA JASON COP BERRY, appeared in person, and defendant's counsel, NATE STARK, also being present, thereupon the District Attorney announced ready for trial, and it appearing to the Court that the defendant, defendant's counsel, and the State's attorney have agreed in writing in open court to waive a trial by jury in this cause and to submit this cause to the Court, and the Court having consented to the waiver of a trial by jury herein, the reading of the INDICTMENT was waived, and the defendant, upon being asked by the Court as to how defendant pleaded, entered a plea of GUILTY to the charge in the INDICTMENT relied upon by the State; thereupon the defendant was admonished by the Court as to the range of punishment attached to the offense; that the recommendation of the prosecuting attorney as to punishment is not binding on the Court; that if the plea of GUILTY is the result of a plea bargaining agreement and the Court does not accept the agreement, that he could withdraw his plea of GUILTY and the fact that the defendant had entered a plea of GUILTY nor any statement made by him at the hearing on the plea of GUILTY may be used against him on the issue of guilt or punishment in any subsequent criminal proceedings and that if the punishment assessed does not exceed the punishment recommended by the prosecutor and agreed to by the defendant and his attorney, the trial Court must give its permission to the defendant before he may prosecute an appeal on any matter in the case except for those matters raised by written motions filed prior to trial, and it appearing to the Court that the said defendant is mentally competent to stand trial, that the said plea of GUILTY is freely and voluntarily made and that the defendant was aware of the consequences of said plea, the said plea of GUILTY is by the Court received and is here now entered of record in the minutes of the Court as the plea herein of said defendant, and after having heard all the evidence for the State and for the defendant, and having heard argument of counsel for both sides, is of the opinion that there is sufficient evidence to substantiate a finding of GUILTY beyond any reasonable doubt, and recesses this cause for a presentence investigation report by the Community Supervision and Corrections Department.

VL 0730 Pg 868

On MAY 5,1993, this cause again being called, the State appeared by her District Attorney and the defendant, SCOTT AKA JASON COP BERRY, appeared in person with counsel, NATE STARK, also being present, the Court is of the opinion and so finds the said defendant guilty as confessed of the offense of

BURGLARY OF A BUILDING,

said offense having been committed on JULY 5,1992, and the Court, after having heard all the evidence for the State and for the defendant presented for the purpose of determining the punishment

to be assessed, and having heard argument of counsel for both sides, is of the opinion and so finds that the punishment of the defendant should be fixed at

TEN (10) YEARS IN THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE INSTITUTIONAL DIVISION.

It is therefore CONSIDERED, ORDERED, ADJUDGED and DECREED by the Court that the said defendant, SCOTT AKA JASON COP BERRY, is guilty of the offense of

BURGLARY OF A BUILDING,

committed on JULY 5,1992, as confessed in said plea of GUILTY herein made, and that punishment be, as determined by the Court, at

TEN (10) YEARS IN THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE INSTITUTIONAL DIVISION,

and said defendant being asked by the Court if sufficient reason existed why the sentence of the Court should not be pronounced, failed to give such reason; whereupon the Court proceeded, in the presence of the the said defendant, to pronounce sentence as follows:

It is the ORDER of this Court that the said defendant, SCOTT AKA JASON COP BERRY, who has been adjudged guilty of the offense of

BURGLARY OF A BUILDING,

committed on JULY 5,1992, be and is hereby sentenced to

TEN (10) YEARS IN THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE INSTITUTIONAL DIVISION,

said sentence is to be credited for back time served toward the satisfaction of the confinement period in the Institutional Division of the Texas Department of Criminal Justice as follows:

FROM JULY 9,1992 TO MAY 5,1993,

and that said defendant be taken by the authorized agent of the State of Texas or by the Sheriff of Travis County, Texas, and by him safely conveyed and delivered to the Director of said Institutional Division of the Texas Department of Criminal Justice, there to be confined in the manner and for the period aforesaid.

VL 0730 PG 867

The Court further finds that the plea of GUILTY in this cause was the result of a plea bargaining agreement, and the punishment does not exceed the agreed recommendation of the State.

Signed this the 17 day of May, A.D., 1993.

APPROVED AS TO FORM:

STATE'S ATTORNEY

JUDGE PRESIDING

VOL 0730 PG 868

NO. 92,3855

THE STATE OF TEXAS	*	IN THE 167TH JUDICIAL
	*	
VS.	*	DISTRICT COURT OF
	*	
SCOTT BERRY	*	TRAVIS COUNTY, TEXAS

NOTICE OF APPEAL

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the Defendant, by and through his counsel of record, and files this his notice of appeal from the judgment of conviction herein to the 3rd Court of Appeals sitting at Austin, Texas.

Respectfully submitted,

NATE STARK
900 Rio Grande
Austin, Texas 78701
(512) 478-1860
State Bar No. 19063300
ATTORNEY FOR DEFENDANT

Filed in The District Court
of Travis County, Texas
on MAY 31 1993
at 4:30 P M.
Amalia Rodriguez-Mendoza, Clerk

CERTIFICATE OF SERVICE

This is to certify that on the 5th day of May, 1993, a true and correct copy of the foregoing Notice of Appeal for Defendant Scott Berry was furnished to the office of the District Attorney for Travis County in Austin, Texas.

NATE STARK

NO. 92,3855

THE STATE OF TEXAS	*	IN THE 167TH JUDICIAL
	*	
VS.	*	DISTRICT COURT OF
	*	
SCOTT BERRY	*	TRAVIS COUNTY, TEXAS

ORDER APPROVING APPEAL AND BOND ON APPEAL

TO THE HONORABLE JUDGE OF SAID COURT:

ON THE 5th day of May, 1993, came on to be heard Defendant's Notice of Appeal and the Court being of the opinion that the defendant should be allowed the right to appeal under Art. 44.08 (c) of the Code of Criminal Procedure;

The Court finds that the Defendant's sentence herein does not exceed ten years.

The Court is further of the opinion that the security of an appeal bond will be sufficient to provide for the Defendant's appearance on appeal.

It is therefore ORDERED, ADJUDGED AND DECREED that the Defendant be admitted to reasonable bail in the amount of $10,000 personal bond with $1,000 cash deposit as the appeal bond in this cause.

JUDGE PRESIDING

Filed in The District Court
of Travis County, Texas
on MAY 31 1993
at 11:30 A M.
Amalia Rodriguez-Mendoza, Clerk

NO. 0923855

THE STATE OF TEXAS — IN THE 167TH DISTRICT COURT

VS. — OF TRAVIS COUNTY, TEXAS

SCOTT BERRY AKA JASON COPSON

NOTICE OF APPEAL

On this 5TH day of MAY, A.D., 1992,
the defendant in the above styled and numbered cause:

Hereby excepts to the judgment of the Court in said cause and gives Notice of Appeal to the Court of Appeals, THIRD District.

_____
Defendant

or

_____
Attorney for Defendant

State Bar Number: _____

TO BE COMPLETED BY CLERK'S OFFICE:

Date of sentencing or order appealed from: 05/05/93

Date Motion for New Trial filed:

Name of judge who entered judgment: MICHAEL LYNCH

Name of court reporter: CONNIE FOWLER
Address of court reporter: P.O. BOX 1748 AUSTIN, TX. 78767

Name of defense attorney on appeal: NATE STARK
Defense attorney's address: 900 RIO GRANDE AUSTIN, TEXAS 78701

Defense attorney on appeal: Appointed

Name and address of State's attorney on appeal:
RONALD EARLE, DIST. ATTY., P.O. BOX 1748, AUSTIN, TX. 78767

Offense charged: BURGLARY OF A BUILDING

Offense convicted: BURGLARY OF A BUILDING

Punishment assessed: TEN (10) YEARS IN THE TDC,

Punishment assessed by: Court

Defendant incarcerated: Yes

Appeal bond:

NO. 92-385

THE STATE OF TEXAS $ IN THE DISTRICT COURT OF

VS $ TRAVIS COUNTY, TEXAS

JASON COPSON $ 167 JUDICIAL DISTRICT

DEFENDANT'S PLEA OF GUILTY, WAIVER, STIPULATION & JUDICIAL CONFESSION

Now comes the defendant in open Court in the above entitled and numbered cause represented by his attorney with whom he has previously consulted and makes the following voluntary statement:

1. That I am sane and that I understand the nature of the charges contained in the indictment/information in this cause.
2. That the court has advised me orally or in writing of the consequences of a plea of guilty.
3. That I have the right to a trial by jury whether I plead "guilty," "not guilty," or "nolo contendere."
4. That I have the right to remain silent but if I choose not to remain silent, anything I say can be used against me.
5. That I have the right to be confronted by the witnesses against me whether I have a trial before the Court or the jury.

However, I desire to waive and do waive the following rights:

1. Waive the reading of the indictment/information.
2. Waive the right to be served with a copy of the indictment in this cause ten days prior to arraignment.
3. Waive the right to be arraigned.
4. Waive the right of trial by jury and request the consent and approval of the Court and of the attorney for the State to such waiver.
5. Waive my right to remain silent and state that it is my desire to take the witness stand, knowing anything I may say can be used against me, and make a judicial confession of my guilt.
6. Waive the right to be confronted with the witnesses against me and request the approval of the Court to the stipulation of evidence by waiving the appearance, confrontation and cross-examination of witnesses, and by my further consenting to the introduction of testimony and evidence by stipulation into the record by the attorney for the State by oral stipulation, or by affidavit, or by written statements of witnesses and any other documentary evidence.
7. Waive service of the indictment and the two-day waiting period for arraignment; and I also waive the ten day period for preparation after appointment of counsel and the ten day period in which to file written pleadings after arrest.
8. Waive the right to a pre-sentence report and request that none be made.

I further understand that any recommendation of the prosecuting attorney as to punishment is not binding on the Court. That where there is a plea bargain agreement and the punishment assessed by the Court does not exceed the agreed recommendation, I do not have the right to appeal without permission of the Court except for those matters raised by written motions filed prior to trial.

I do further admit and judicially confess that I knowingly and intentionally and unlawfully committed the acts alleged in the indictment/information in this cause at the time and place and in the manner alleged and that such allegations are true and correct, and that I am in fact GUILTY of the offense alleged.

I voluntarily enter my plea of GUILTY to said offense, and my plea is not influenced by any considerations of fear or any persuasion or any delusive hope of pardon. In making by plea of guilty I am not relying on any advice, information or agreement not made to the Court at this time.

I request the Court to consider probating any sentence imposed, and on the issue of punishment agree that the pre-sentence investigation report of the Adult Probation Office may be considered by the Court.

I understand that if I am not a citizen of the United states that my plea may result in deportation, the exclusion of admission to this country, or denial of naturalization under federal law. There have been no promises made to me by my defense attorney, the prosecutor or the Court concerning any stay in the United States.

I further understand that if I an convicted I have the right of appeal to the appropriate Court of Appeals of Texas, and the right to be represented on appeal by an attorney of my choice or if I am too poor to pay for such attorney or the record on appeal, the Court will, without expense to me, provide an attorney and a proper record for such appeal.

I have not been committed to a mental institution nor do I presently have mental or emotional problems, and I believe that I am competent to stand trail and the attorney for defendant herein acknowledges that counsel believes the defendant is competent and able to assist counsel in the preparation of the defense and that defendant appears to be sane and competent.

I further acknowledge and understand the following admonitions which have been explained to the defendant by the defense attorney prior to an oral plea of guilty or nolo contendere:

That the defendant is charged with a felony of the 2nd degree which has a punishment range of:

a. First degree - by confinement in the Texas Department of Corrections for a period of not less than 5 years or more than 99 years of life and a fine not to exceed $10,000.00

b. Second degree - by confinement in the Texas Department of Corrections for a period of not less than 2 years or more than 20 years and a fine not to exceed $10,000.00

c. Third Degree - by confinement in the Texas Department of Corrections for a period of not less than 2 years or more than 10 years and a fine not to exceed $10,000.00

d. Other -

I further understand the admonitions of the Court and I am aware of the consequences of my plea.

Jason A. Copson
DEFENDANT

Sworn to and subscribed before me by the said defendant on this 8th day of FEBRUARY, 19 93.

AMALIA RODRIGUEZ-MENDOZA
District Clerk

By: Antonia Ramirez
Deputy District Clerk

I have consulted with the defendant; advised him of his right, believe him to be mentally competent; and approve his signing of this plea of guilty, waiver of a jury, agreement to stipulate testimony, and judicial confession.

State Stark
Attorney for the Defendant

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93 FEB -8

STATE'S EXHIBIT 4
1
2-8-93

Before the entry of the ...ty herein, the above requests, waivers and stipulations are hereby consented to and approval by me, the attor...e.

Frank W. Bryan
Attorney for the State

It clearly appearing to t...nt is mentally competent and is represented by competent counsel and that said defendant understands the nature ...harge against him and that he has been by the court warned of the consequences of a plea of guilty including the minimum and maximum punishment provided by law, that the attorney for the defendant and the State consent and approve the waiver of a trial by jury and agree to stipulate the testimony in this case, the Court, therefore, finds such plea of guilty, waiver, and consent to be freely and voluntarily made and accepts the plea of guilty and approves the waiver of a jury herein and the consent to stipulate testimony.

Judge Presiding

NO. 92,3855

THE STATE OF TEXAS	§	IN THE 167TH JUDICIAL
	§	
VS.	§	DISTRICT COURT OF
	§	
JASON COPSON	§	TRAVIS COUNTY, TEXAS

MOTION TO SUBSTITUTE COUNSEL

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW JASON COPSON, AKA Scott Berry, Defendant in the above-styled and numbered cause, by and through his attorney of record, NATE STARK, and would request the Court to approve the substitution of counsel presently listed as attorney of record in this case, and in support would show as follows:

I.

Defendant, JASON COPSON, AKA Scott Berry originally retained Mr. Carlos Barrera to represent him in this case. Mr. Copson no longer wishes Mr. Barrera to represent him and has retained Nate Stark. The Defendant now requests the Court to allow Nate Stark to be substituted as the attorney of record in this case.

WHEREFORE, PREMISES CONSIDERED, Defendant prays that this Honorable Court grant this motion, and that Nate Stark, Attorney at Law, be substituted for Perry Barrow, presently posted as attorney of record in this cause.

Respectfully submitted,

CARLOS BARRERA

JASON COPSON, AKA SCOTT BERRY

NATE STARK
900 Rio Grande
Austin, Texas 78701
(512) 478-1860
State Bar No. 19063300

Filed in The District Court
of Travis County, Texas
on FEB 24 1993
at 12:00 P. M.
Amalia Rodriguez-Mendoza, Clerk

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion to Substitute Counsel has been furnished to the office of the Travis County District Attorney on this 8 day of February, 1993.

Nate Stark

NATE STARK

NO. 92,3855

THE STATE OF TEXAS	§	IN THE 167TH JUDICIAL
	§	
VS.	§	DISTRICT COURT OF
	§	
JASON COPSON	§	TRAVIS COUNTY, TEXAS

O R D E R

ON THIS the 8th day of February, 1993, came on to be heard the Defendant's Motion to Substitute Counsel, and the Court, having considered the same, is of the opinion that said motion be GRANTED / DENIED and the Defendant is hereby permitted to continue in this case with Nate Stark as attorney of record. Carlos Barrera is hereby discharged and is released from all liability, therefore.

SIGNED AND ORDERED ENTERED this 8th day of February, 1993.

JUDGE PRESIDING

VL 0712 PG 138

Filed in The District Court
of Travis County, Texas
on Feb. 8, 1993
at 2:30 P M.
Amalia Rodriguez-Mendoza, Clerk

92-23689
J2F06B

County of TRAVIS
STATE OF TEXAS

AMALIA RODRIGUEZ-MENDOZA, DISTRICT CLERK, TRAVIS COUNTY COURTHOUSE, THIRD FLOOR

IN THE 167th **JUDICIAL DISTRICT COURT OF TRAVIS COUNTY, TEXAS**

NO. 0923855 THE STATE OF TEXAS VS. Scott Berry

NOTICE OF INDICTMENT w/m 21-67

TO THE SHERIFF OF TRAVIS COUNTY, TEXAS:

YOU ARE HEREBY COMMANDED to deliver to the defendant in the above number and entitled cause the accompanying certified copy of Indictment in said cause charging the defendant with the offense of Burglary of a Building

now pending in the 167th Judicial District Court of Travis County, Texas, and that you will make due return of this writ showing how you have executed the same.

Issued and given under my hand and seal of the District Courts of Travis County, Texas on this the 3rd day of August, A.D., 19 92.

AMALIA RODRIGUEZ-MENDOZA
DISTRICT CLERK
TRAVIS COUNTY, TEXAS
by Jane S Hale DEPUTY

SHERIFF'S RETURN

Executed on this the 3 day of Aug., A.D., 19 92.
by delivering to the within named defendant in person a true and correct copy of Indictment as directed by this writ.

DAN T. RICHARDS, SHERIFF
TRAVIS COUNTY, TEXAS
by E R Ewald #931 DEPUTY

FILED
92 AUG -4 PM 3:20

P.O. BOX 1748 • AUSTIN, TEXAS 78767 • (512) 473-9457

No. 923,851
No. 923,852
No. 923,855
No. 923,858

State of Texas	)(	In the District Court
	)(	
v.	)(	167th Judicial District
	)(	
Scott Berry	)(	Travis County, Texas

MOTION FOR DISCLOSURE OF EVIDENCE FAVORABLE TO DEFENDANT

TO THE HONORABLE JUDGE OF SAID COURT:

Comes Now, Scott Berry, Defendant in the above styled and numbered cause, and respectfully moves this Court for an Order compelling the State of Texas to disclose and, in the case of tangible items, to produce for inspection and copying by Defendant, any and all evidence in the possession of, subject to the control of, within the knowledge of or available to the State of Texas or its agents, which evidence may be exculpatory or favorable to Defendant on the issue of guilt or innocence, which evidence would be mitigating on the issue of punishment, or which evidence could adversely affect the credibility of any witness or testimony offered against Defendant, whether or not said evidence is deemed admissible at the trial of the instant cause, including but not limited to, the following items:

1. The complete criminal record, including arrests, convictions, and pending charges (including juvenile charges) of any witness the State anticipates calling to testify at any phase of the trial of this cause.

2. Any evidence that a witness whom the State anticipates calling at trial has a bad reputation or bad character for truth and veracity.

DISTRICT CLERK
TRAVIS COUNTY, TEXAS

3. Any history of mental or emotional illness or instability on the part of any witness whom the State anticipates calling at trial or on the part of any person who instigated the instant accusations against Defendant.

4. Any history of alcohol or drug abuse on the part of any witness whom the State anticipates calling at trial or on the part of any witness whom the State anticipates calling at trial or on the part of any person who instigated the instant accusations against Defendant.

5. Any indication what any witness whom the State anticipates calling at trial was under the influence of alcohol or drugs (whether legal or illegal at the time said witness allegedly observed, heard, or otherwise perceived the facts to which he or she will testify.

6. Any indication of a defect in capacity to observe, hear, or otherwise perceive events, to remember, or to accurately relate events, on the part of any witness whom the State anticipates calling at trial.

7. Any other facts that casts doubt on whether a witness whom the State anticipates calling at trial could have actually seen, heard, or otherwise perceived what he or she claims to have seen, heard, or otherwise perceived.

8. Any indication that any witness whom the State anticipates calling at trial, or any person who instigated the instant accusations against Defendant, has a bias or prejudice either against Defendant or in favor of the complaining witness in this cause.

9. Any other evidence of a possible motive to testify falsely on the part of any witness whom the State anticipates calling at trial.

10. Any false accusations or false statements made by any witness whom the States anticipates calling at trial, or by any person who instigated the instant accusations against Defendant, either in the course of the investigation of this case or in the course of any other official investigation or proceeding.

11. Any Statement, whether oral, written, or recorded, by any witness interviewed by the State of Texas or its agents in the course of the investigation of this case, whether or not the State anticipates calling said witness at trial, which statement contradicts or is inconsistent with any other statement made by that witness.

12. Any evidence of a benefit, concession or reward, including a Crime Stoppers reward, that has in any way been promised to, referred to in from of, or applied for by any witness whom the State anticipates calling at trial or by any person who instigated the instant accusations against Defendant.

13. Any evidence that a witness whom the State anticipates calling at trial could as a matter of law or fact be considered an accomplice witness, as that term is used in Texas Code of Criminal procedure, Article 38.14.

14. Any indication that a witness whom the State anticipates calling at trial, whether because of age, mental condition, or other reason, does not understand the obligations of an oath or does not know the difference between the truth and a lie.

15. Any evidence that a witness whom the State anticipates calling at trial or any person who instigated the instant accusations against Defendant has been influenced by some other person to testify against Defendant or to instigate accusations against Defendant.

16. The results of any tests, analyses, or experiments, which results are inconsistent with or cast doubt on the State's theory of this case or on the testimony of any witness whether or not the State anticipates calling said witness at trial.

17. Any indication that any test, analysis or experiment conducted by the State of Texas or its agents in connection with this case could possibly be inaccurate due to testing limitations, mechanical failure, procedural irregularities, or for any other reason.

18. Any opinion by an "expert" who participated in the investigation of this case, or whom the State anticipates calling at trial, which opinion is inconsistent with or cases doubt on the States's theory of this case or on the testimony of any other witness whether or not the State anticipates calling said witness at trial.

19. Any indication that at any time during the course of the investigation of this case there has been a person or persons other than Defendant suspected of or reported as being the perpetrator of the instant offense, or of any extraneous offense allegedly committed by Defendant, and if so, all details relating thereto.

20. Any indication that Defendant was not present at the time and place of the instant offense or of any extraneous offense allegedly committed by Defendant.

21. Any indication that Defendant was under the influence of alcohol and/or drugs of any kind during or shortly before the commission of the instant offense.

22. Any indication that Defendant showed signs of mental problems, including any bizarre or irrational behavior on Defendant's part, either during or shortly before the instant alleged offense, or at any previous or subsequent time in Defendant's history.

23. Any indication that Defendant did not commit the instant offense with the culpable mental state alleged in the State's accusatory pleading.

24. Any evidence that would support a claim of self defense by Defendant, including prior criminal record, character and reputation for violence, and specific acts of violence on the part of the deceased or the complaining witness in this cause, whether or not such facts were known to Defendant.

As grounds for the above request, Defendant states that Defendant is entitled to such evidence by virtue of Defendant's right to due process of law, to be informed of the nature of the accusation against Defendant, to confront and cross examine the witnesses against Defendant, and to have effective assistance of counsel, all of which are guaranteed to Defendant by the Fifth, Sixth, and Fourteenth Amendments to the U. S. Constitution; and Article I, sections 10 and 19 of the Texas Constitution and Articles 1.04, 1.05, 1.25, and 39.14 of the Texas Code of Criminal Procedure, and by the doctrine of Brady v. Maryland, 373 U.S. 83 (1967).

Furthermore, the items sought are in the possess of, subject to the control of, or available to the State of Texas and/or its agents. The items sought are not privileged and cannot be obtained prior to trial without a Court Order.

In this Motion, Defendant seeks not only the above named specific items, but in addition all other items of evidence in the possession of, subject to the control of, within the knowledge of, or available to the State of Texas or its agents which items could be exculpatory or favorable to Defendant on the issue of guilt or innocence, which evidence could be mitigating on the issue of punishment or which evidence could adversely affect the credibility of any witness or testimony offered against Defendant. Defendant requests that the disclosure of these items be made whether or not such items are deemed admissible in evidence at trial.

Finally, Defendant requests that the State of texas be ordered to disclose the items sought in this Motion sufficiently in advance of trial that Defendant my have a reasonable time to investigate and follow up with the items disclosed prior to trial.

WHEREFORE, PREMISES CONSIDERED, Defendant prays that the Court grant this Motion in all things and order the Attorney for the State of Texas to disclose to Defendant all items sought in this motion a reasonable time before trial.

Defendant further prays that, as to any item sought disclosure of which is denied by the Court, that the Court order the Attorney representing the State of Texas to produce such item and tender it to the Court, and that the Court seal such item and include it in the Court's official file in this cause, for transmittal to the appropriate appellate court in the event of a conviction.

Respectfully submitted

Carlos H. Barrera
Attorney for Defendant
1302 West Ave.
Austin, TX 78701
(512) 472-8129
Bar #01805425

ORDER

On this, the _____ day of _____, 1992, came on to be heard Defendant's Motion to Produce Evidence Favorable to Defendant and it appears to the court that this motion should be GRANTED/DENIED.

IT IS THEREFORE ORDERED that the State of Texas produce any and all evidence consistent with the requests made in the above and foregoing Motion For Disclosure of Evidence Favorable to Defendant.

_____
Judge Presiding
167th District Court
Travis County, Texas

Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing Motion for Disclosure of Evidence Favorable to Defendant was hand delivered to the office of the Travis County District Attorney on the 12th day of August, 1992.

Carlos H. Barrera
Attorney at Law

No. 923,851
No. 923,852
No. 923,855
No. 923,858

The State of Texas	)(	In the District Court
	)(	
v.	)(	167th Judicial District
	)(	
SCOTT BERRY	)(	Travis County, Texas

MOTION FOR DISCOVERY AND INSPECTION OF EVIDENCE

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES the defendant in the above-entitled and -numbered cause, SCOTT BERRY, who under the authority of Article 39.14 of the Texas Code of Criminal Procedure makes this, his motion for Discovery and Inspection of Evidence, and in particular, would ask of the Court the following:

I.

The defendant moves this Court to order the District Attorney of Travis County to produce and permit the inspection of and the copying and/or photographing of, by or on behalf of the defendant, the following designated items:

1. All confessions, admissions and statements, in writing, signed by defendant, in connection with the offense(s) with which the defendant is herein indicted.

____ Granted ____ Denied

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DISTRICT CLERK
TRAVIS COUNTY, TEXAS

2. All confessions, admissions and statements, oral in nature and set down and preserved under Article 38.22 of the Texas Code of Criminal Procedure, or otherwise, made by the defendant in connection with the offense(s) with which the defendant is herein indicted.

_____ Granted _____ Denied

3. All oral, written and recorded statements and memoranda of said statements made by the defendant to any investigating officer, to any member of any law enforcement agency, or to any third party which is in the possession of or within the knowledge of the District Attorney's Office or any agent thereof, including any law enforcement agency, or any other state agency.

_____ Granted _____ Denied

4. All statements, whether or not made by any party or witness to this alleged offense, in the possession of or within the knowledge of the District Attorney's office or any of its agents, including law enforcement agencies and other state agencies, whether such statements were written or oral, which might in any manner be material to either the guilt or innocence of the defendant or to the punishment, if any, to be set in this case.

_____ Granted _____ Denied

5. All evidence of any kind, including statements, written or oral, whether or not made by any party or witness to this alleged offense, in the possession of or within the control or knowledge of the District Attorney's office or any of its agents, including law enforcement agencies and other state agencies, which might in any manner be exculpatory and/or mitigating, and/or lead to testimony or other evidence which is exculpatory and/or mitigating, for defendant with regard to offense(s) alleged against him in this case.

_____ Granted _____ Denied

6. All reports of medical and/or scientific examinations, tests, experiments and comparisons, and all other reports of experts, including the names, addresses, and phone numbers of each said expert who made said reports and who performed said examinations, tests, experiments and/or comparisons relating to the offense charged in the present cause.

_____ Granted _____ Denied

7. The names and whereabouts, including current street addresses and phone numbers, of all suspects who were investigated, interrogated, and/or arrested in conjunction with the offense(s) alleged in this case and similar offenses alleged to have been committed against the alleged victim(s) in this case.

_____ Granted _____ Denied

8. The complete prior juvenile and criminal record of the Defendant, including all arrests and convictions, whether as a juvenile or as an adult.

_____ Granted _____ Denied

9. The complete prior criminal record(s) of any and all witnesses the state may and/or intends to call to testify in this cause, including all arrests and convictions.

_____ Granted _____ Denied

10. Any and all photographs, sketches, drawings, diagrams and/or charts prepared which may be relevant to the trial of the present cause, whether or not admissible at trial.

_____ Granted _____ Denied

II.

In further support hereof, the defendant would show this Court that the production of all of the above evidence is the only fair an proper method of showing the good faith of the District Attorney in this case, the truth of all such matters which the District Attorney intends to introduce into evidence against the defendant, and to insure that the defendant is able to prepare an adequate defense consistent with due process by timely inspection, examination, and/or testing of any and all such evidence.

III.

In further support of this Motion, defendant would show the Court as follows:

1. The items requested are in the possession, custody and control of the State of Texas, by and through its agents, including the police and the prosecuting attorney's office, and the defendant has no other means of ascertaining and obtaining the disclosures sought and the requests made.

2. The items requested are not privileged.

3. The items and information are material this case and the issues of guilt or innocence and/or punishment to be determined in this case.

4. The defendant cannot safely go to trial nor adequately prepare the his defense to the charges against him without such information and inspection.

5. That absent such discovery the Defendant's rights under Article 39.14, Texas C.C.P., Article I, section 10 of the Texas Constitution, and the Fourth, Fifth, Sixth, and Fourteenth Amendments to the United States Constitution will be violated, to his irreparable injury and thus deprive defendant of a fair trial herein.

WHEREFORE, PREMISES CONSIDERED, Defendant respectfully prays that this Honorable Court after consideration and hearing, grant this, the defendant's Motion for Discovery and Inspection of Evidence, in all things, or in the alternative, grant said Motion in part, a reasonable time before hearing this case on the merits.

Respectfully submitted,

Carlos H. Barrera
Attorney for Defendant
1302 West Ave.
Austin, Texas 78701
(512) 472-8129
Bar No. 01805425

ORDER

On this _____ day of _____, 1992, came on to be heard and considered the above and foregoing Motion for Discovery and Inspection of Evidence presented by the defendant in this case, and the Court hereby GRANTS and/or DENIES those elements of said Motion as indicated in the body of said Motion, above, and as to those elements indicated, hereby Orders the District Attorney's office to produce and permit the inspection and copying of those items.

SIGNED AND ENTERED this _____ day of _____, 1992.

_____
Judge Presiding
167th Judicial District Court
Travis County, Texas

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of August, 1992, the above and foregoing Motion and Order for Discovery and Inspection of Evidence was hand-delivered to the Travis County District Attorney's Office, at 314 W. 11th St., in Austin, Texas.

_____
Carlos H. Barrera
Attorney for Defendant

No. 923,851
No. 923,852
No. 923,855
No. 923,858

The State of Texas	)(	In the District Court
	)(	
v.	)(	167th Judicial District
	)(	
Scott Berry	)(	Travis County, Texas

MOTION FOR LIST OF STATE'S WITNESSES

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES the defendant in the above-entitled and -numbered cause, SCOTT BERRY, by and through counsel, Carlos H. Barrera, who respectfully requests this Honorable Court instruct the prosecution to submit to counsel for the Defendant a written list of the names, addresses, and phone number of all witnesses and potential witnesses whom the prosecution expects to call to testify in this cause as to:

a. Any fact constituting an element of the offense charged in this cause or other evidence relevant to the commission of the alleged offense;

b. Any fact connecting or tending to connect the Defendant to the commission of the alleged offense herein;

c. Any fact connecting or tending to connect the Defendant to the commission of all other crimes, wrongs or acts which the prosecution intends to prove up during this trial; in its case in chief or in rebuttal (Tex. Rules of Crim. Evid., Rules 406(b));

d. Any expert opinion on any scientific or medical matter relating to this cause, or opinion or reputation evidence of the character of the defendant as to truth and veracity or as to being peaceful and law abiding;

e. The character and/or reputation of any witness, including the accused, whom the state intends to call or could possibly call to testify in this trial against the Defendant during any phase of

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DISTRICT CLERK
TRAVIS COUNTY, TEXAS

this trial.

II.

Under Article 20.20 C.C.P., the prosecution is obligated to endorse upon the indictment the names of the witnesses upon whose testimony said indictment was found.

III.

Articles 34.14 and 35.16 C.C.P. authorize peremptory challenges and challenges for cause. In order to permit the defendant herein to exercise in an intelligent manner his peremptory challenges and his challenges for cause, it is necessary for the prosecution to submit a complete written list of the witnesses requested above in order that counsel for the defendant may inquire of the prospective jurors as to whether or not, among other things, said prospective jurors know, are related to or have heard of any of said witnesses by name or reputation, and if so, whether this knowledge would affect his or her respective judgment and/or verdict in this cause. If the Defendant is not given a complete list of the names of said witnesses as requested, the defendant will be precluded from determining whether or not any prospective juror has a bias or prejudice against the Defendant and/ or in favor of the prosecution, and thus will be deprived of intelligently exercising the peremptory challenges to which the Defendant is entitled and further, the Defendant will be precluded from intelligently exercising his challenges for cause.

IV.

That in the event the prosecution during the trial of this cause attempts to elicit the testimony from witness whose name has

not been previously disclosed to the Defendant prior to the voir dire examination of the jury panel, the Defendant requests this Court to prohibit the prosecution from using the testimony of any such witness if the Court finds that the prosecution knew or through the exercise of reasonable diligence should have known of the existence of such a witness and thus should have included the name of such witness on the list of witnesses submitted to the Defendant prior to the voir dire examination.

WHEREFORE, PREMISES CONSIDERED, the Defendant respectfully prays that this Honorable Court will require a complete written list of witnesses as requested above.

Respectfully submitted,

Carlos H. Barrera
Attorney for the Defendant
1302 West Ave.
Austin, TX 78701
(512) 472-8129
Bar #01805425

ORDER

On this _____ day of _____, 1992, came on to be heard and considered the above and foregoing Motion For List of State's Witnesses, presented by the defendant in this case, and the Court hereby GRANTS/DENIES said Motion and hereby Orders the District Attorney's office to provide a list of State's witnesses to the Defendant consistent with said Motion and this Order forthwith.

SIGNED AND ENTERED this _____ day of _____, 1992.

_____
Judge Presiding
167th Judicial District Court
Travis County, Texas

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of August, 1992, the above and foregoing Motion for List of State's Witnesses was hand-delivered to the Travis County District Attorney's Office.

_____
Carlos H. Barrera
Attorney for Defendant

No. 923,952
No. 923,855
No. 923,858

THE STATE OF TEXAS	)(	IN THE 167th JUDICIAL
	)(	
V.	)(	DISTRICT COURT
	)(	
SCOTT BERRY	)(	TRAVIS COUNTY, TEXAS

MOTION TO SUPPRESS EVIDENCE

TO THE HONORABLE JUDGE OF SAID COURT:

SCOTT BERRY, Defendant, moves the court to suppress all evidence seized on or about July 10, 1992, in a search of the residence located at 2000 Cedar Bend, Bldg. 13, Apt. 210, Austin, Travis County, Texas, and in support thereof would show the following:

I.

On said date, July 10, 1992, peace officers executed search warrant numbered S-5521 for the search of said residence.

II.

The affidavit upon which said search warrant is based fails to establish probable cause for the issuance of the warrant in that the affidavit fails to allege sufficient underlying facts to demonstrate that there was a fair probability that evidence of a crime would be found at the location to be searched.

WHEREFORE, defendant, SCOTT BERRY, respectfully requests this Honorable Court grant this Motion to Suppress Evidence and Order

AUG 12

DISTRICT CLERK
TRAVIS COUNTY, TEXAS

suppressed any and all evidence seized pursuant to the execution of the above referenced search warrant.

Respectfully submitted

Carlos H. Barrera
Attorney for Defendant
1302 West Ave.
Austin, TX 78701
(512) 472-8129
Bar #01805425

ORDER

On this _____ day of _____, 1992, came on to be heard Defendant's above and foregoing Motion to Suppress Evidence. The Court, having heard the evidence and argument of counsel is of the opinion that the same should be GRANTED/DENIED. It is therefore ORDERED that any and all evidence seized pursuant to the above referenced search warrant, a copy of which is attached hereto, be and is hereby suppressed.

Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing Motion to Suppress Evidence was hand delivered to the office of the Travis County District Attorney on the 12th day of August, 1992.

Carlos H. Barrera
Attorney at Law

No. 923,851
No. 923,852
No. 923,855
No. 923,858

The State of Texas	)(	In the District Court
	)(	
v.	)(	167th Judicial District
	)(	
Scott Berry	)(	Travis County, Texas

TO: Travis County District Attorney Ronnie Earle

REQUEST FOR DISCLOSURE OF OTHER CRIMES, WRONGS, OR ACTS

NOW COMES SCOTT BERRY, defendant, by and through his attorney, Carlos H. Barrera, and makes this, his Request for Disclosure of other Crimes, Wrongs, or Acts, pursuant to Texas Rules of Evidence, Rule 404(b) and Rule 609(f). This cause is set for Pre-trial on August 4, 1992, and has no trial setting as of this filing. Defendant, therefore, requests notice, with particularity, by at least ten (10) days prior to the first trial setting in this cause, notice of the State's intent to introduce in its case in chief, or at any time, evidence of crimes, wrongs and/or acts other than that or those arising out of the same transaction for which defendant will be tried in this cause.

Respectfully submitted,

Carlos H. Barrera
Attorney for Defendant
1302 West Ave.
Austin, Texas 78701
(512) 472-8129
Bar No. 01805425

FILED
AUG 12 9 22 AM '92
DISTRICT CLERK
TRAVIS COUNTY, TEXAS

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of August, 1992, the above and foregoing Request for Disclosure of Other Crimes, Wrongs, or Acts was hand-delivered to the Travis County District Attorney's Office in Austin, Travis County, Texas.

Carlos H. Barrera
Attorney for Defendant

Ft
WM 2.167
J37401B

NO 92mc1552

THE STATE OF TEXAS
VS Berry Scott
OFFENSE Burg Bldg.

IN THE 147th
dist Ct. OF
TRAVIS COUNTY, TEXAS

REQUEST FOR APPOINMENT OF ATTORNEY

TO THE JUDGE OF THE ABOVE ENTITLED COURT:
"I am the defendant in the above numbered and entitled cause, and I am wholly destitute of means to provide counsel, and I hereby request the Court to appoint competent counsel to represent me in this cause."

X Scott E. Berry
Defendant

Witnessed before me on the 16th day of July A.D., 1992.

COURT APPOINTMENTS OFFICER OR Jim Rust
PRETRIAL SERVICES DIRECTOR

By JCB
PERSONAL BOND OFFICER

I hereby appoint Ira Deane, an attorney found by the Court to be competent, to represent the defendant in the above numbered and entitled cause, and to continue to represent the defendant until the case is concluded, including appeal, if any, or until released by written order of this court.

7/15/92
Date

Bob Perkins
Judge Presiding

ALL PAY REQUESTS SHALL BE SUBMITTED AT THE TIME OF SENTENCING.

167

D.A.#92-2440/PID#0241530/MC#92-1552
No.092 3855 The State of Texas Vs. ~~Scott Berry~~ Jason Copson
Indictment Burglary of a Building
Bond $ same
In The 147th Judicial District Court of Travis County, Texas

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

THE GRAND JURY, for the County of Travis, State of Texas duly selected, empaneled, sworn, charged, and organized as such at the July Term A.D. 1992 of the 147th Judicial District Court for said County, upon its oath presents in and to said court at said term that ~~Scott Berry~~ Jason Copson on or about the 5th day of July A.D. 1992, and before the presentment of this indictment, in the County of Travis, and State of Texas, did then and there knowingly and intentionally enter a building without the effective consent of Drew Scott, the owner, and therein attempted to commit and committed theft,

against the peace and dignity of the State.

James P. Rambin
Foreman of the Grand Jury

FILED
JUL 30 3 13 PM '92
DISTRICT CLERK
TRAVIS COUNTY, TEXAS

167

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